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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,433	11/26/2008	Matthias Prinz	N81818LPK	5606
1333 7590 03/30/2010 EASTMAN KODAK COMPANY PATENT LEGAL STAFF 343 STATE STREET ROCHESTER, NY 14650-2201			EXAMINER MORRISON, THOMAS A	
			ART UNIT 3653	PAPER NUMBER
			MAIL DATE 03/30/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/586,433

Applicant(s)

PRINZ, MATTHIAS

Examiner

THOMAS A. MORRISON

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5 and 8-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 8-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 3-5 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice.

Claims 1, 3-5 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. Claim 1 and its dependent claims 3-5 and 8 fail to clearly recite specific method steps. For example, claim 1 recites "in response to detection of the occurrence of a printing material jam in the transport path (2), the flap (5) and the switches (42, 43) associated with the transport path (2) are actuated to intercept the transport path (2)..." This recitation recites functions performed without clearly reciting each required method step. It is unclear from this recitation in claim 1 whether or not there is any detection step whatsoever. Is there some sort of detection step in the method of claim 1? Further clarification is needed as to the specific method steps performed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-5 and 8-11, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,421,463 (Okazaki et al.) (hereinafter "Okazaki") in view of U.S. Patent No. 6,102,393 (Kida et al.) (hereinafter "Kida").

Regarding claim 1, Figs. 1-2B of Okazaki disclose method for transporting printing material through a printing machine, along a transport path including a flap and a plurality of switches associated with such transport path, and recovering from a printing material jam in the transport path, the method comprising the step of:

in response to detection of the occurrence of a printing material jam in the transport path (Fig. 1), the flap (71) and the sensors (S2 and S3) associated with on the transport path (Fig. 1) are actuated to intercept the transport path (Fig. 1), whereby a sheet of printing material (3a) is transported along the flap (71) out of the transport path (Fig. 1) into a container (82).

Okazaki meets the limitations of the claim except that it employs sensors (e.g., S2 and S3) rather than switches in order to detect items conveyed along a transport path. However, Kida discloses that sensors and micro switches were art recognized equivalents at the time of the invention in those item detection applications where it is

immaterial whether the sensors or micro switches are used for detecting items conveyed along a transport path. See, e.g., col. 18, lines 34-41 of Kida. Therefore, one of ordinary skill would have found it obvious to substitute micro switches for the sensors of Okazaki to facilitate item detection along the transport path of Okazaki, as taught by Kida at col. 18, lines 34-41. Thus, all of the limitations of claim 1 are met by the cited combination of references.

Regarding claim 3, Figs. 1-2B of Okazaki disclose that in the actuation step, the flap (71) is actuated by a solenoid. See, e.g., col. 4, lines 20-23.

Regarding claim 4, Figs. 1-2B of Okazaki show that after removal of the printing material jam, the flap (71) is actuated and returns to its original position remote from the transport path (Fig. 1).

Regarding claim 5, Figs. 1-2B of Okazaki show that printing material downstream of the paper printing material jam are continued to be transported, so that the sheets of printing material (3a) downstream of the printing material jam are continued to be transported along the transport path (Fig. 1), and printing material upstream of the paper printing material jam are stopped, so that sheets of printing material (3a) which are located upstream of the paper jam are no longer transported along the transport path (Fig. 1).

Regarding claim 8, Figs. 1-2B of Okazaki show that when the flap (71) is actuated to move into intercepting relation with the transport path (Fig. 1), sheets of printing material (3a) are moved out of the region of the switches, and when the flap (71) is returned to its remote location relative to the transport path

(Fig. 1) and the switches are reset such that the sheets of printing material (3a) are transported to the exits (near 81) of the printing machine.

Regarding claim 9, Figs. 1-2B of Okazaki show a transport arrangement for transporting printing material (3a) along a transport path (Fig. 1) of a printing machine the transport arrangement comprising:

- at least one flap (71) operatively associated with the transport path (Fig. 1),
- a plurality of sensors (S2 and S3) associated with such transport path (Fig. 1),
- a control arrangement (including 2) for selectively actuating the flap (71) and the sensors (S2 and S3) for opening and closing the transport path (Fig. 1), and
- a container (82) for receiving waste printing material (3a) when the flap (71) and sensors (S2 and S3,) are actuated to open the transport path (Fig. 1).

Okazaki meets the limitations of the claim except that it employs sensors (e.g., S2 and S3) rather than switches in order to detect items conveyed along a transport path. However, Kida discloses that sensors and micro switches were art recognized equivalents at the time of the invention in those item detection applications where it is immaterial whether the sensors or micro switches are used for detecting items conveyed along a transport path. See, e.g., col. 18, lines 34-41 of Kida. Therefore, one of ordinary skill would have found it obvious to substitute micro switches for the sensors of Okazaki to facilitate item detection along the transport path of Okazaki, as taught by Kida at col. 18, lines 34-41. Thus, all of the limitations of claim 9 are met by the cited combination of references.

Regarding claim 10, Figs. 1-2B of Okazaki show that the flap (71) is firmly connected on one side of the transport path (Fig. 1) and can be pivoted about this side for opening and closing the transport path (Fig. 1).

Regarding claim 11, Figs. 1-2B of Okazaki show controllable transport rollers (R8, R11 and R12) for transporting a sheet of printing material (3a) out of the transport path (Fig. 1) into the container (82) when the flap (71) is open.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 3-5 and 8-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS A. MORRISON whose telephone number is (571)272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571) 272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick Mackey/
Supervisory Patent Examiner, Art
Unit 3653

3/27/2010